

GP 3738

PATENT
Attorney Docket No. 101.0084-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

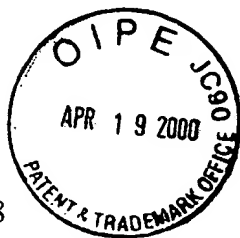
In re Application of:

Gary K. Michelson

Serial No.: 09/457,228

Filed: December 8, 1999

For: Spinal Implant Surface Configuration)



Group Art Unit: 3738

#5
Prior Art
J. Byer
5/5/00

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant(s) determine(s) that the cited document(s) do not constitute

RECEIVED
APR 21 2000
TECHNOLOGY CENTER 5700

"prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: 4/14/00

By: Thomas H. Martin
Thomas H. Martin
Registration No. 34,383
14500 Avion Parkway, Suite 300
Chantilly, VA 20151-1101
Telephone: (703) 679-9300
Facsimile: (703) 679-9303

Certificate of Mailing under 37 CFR § 1.8

I hereby certify that this Information Disclosure Statement, Form PTO-1449, 7 documents, and self-addressed stamped postcard are being deposited on April 17, 2000 with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

April 17, 2000
Date

Sandra L. Blackmon
Sandra L. Blackmon

